

HOUSE BILL 3418

By Shaw

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to gang membership.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001, is amended by adding the following language as a new, appropriately designated subsection:

() An LEA may refuse to enroll or to continue the enrollment of a student eighteen (18) years of age or older who is a known gang member. If a student eighteen (18) years of age or older who is enrolled or seeking enrollment is alleged to be a gang member and the LEA seeks to refuse enrollment or expel the student, then, unless the student admits gang membership, the LEA shall request the assistance of local law enforcement in making an investigation of the matter. After investigation, if the director of schools finds that the facts clearly and convincingly support a conclusion that the student is a gang member, then the director shall make a recommendation to the local board of education that such student be refused enrollment or expelled from school. If the board approves the director's recommendation after providing opportunity for the student to be heard, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. The board of education, in lieu of accepting the director's recommendation to refuse enrollment or expel a student eighteen (18) years of age or older who is a known gang member, may assign such student to an alternative school. Notwithstanding any provision of this subsection to the contrary, no student eighteen (18) years of age or older who is eligible for or receiving special education services shall be refused enrollment or expelled from school under this subsection.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.